

## **Exhibit F**

SUPPORTING DEPOSITION (CPL Sec.100.20) GENL-J REV 01/98E

STATE OF NEW YORK

LOCAL CRIMINAL COURT

COUNTY OF ORANGE

New York State Police

TOWN of MONTGOMERY

THE PEOPLE OF THE STATE OF NEW YORK )

--VS.-- )

(Defendant )

SUPPORTING DEPOSITION

STATE OF NEW YORK )

COUNTY OF ORANGE )

SS.

TOWN of NEW WINDSOR )

On	DATE 10/27/03	at	TIME STARTED 10 : 57	pm	I, FULL NAME Robert John Rosenberg
	DATE OF BIRTH		NO. & STREET		CITY Walton
					STATE NY

state the following: I am the brother of Lucille Rosenberg who owns the house located at 2937 Albany Post Rd in Montgomery NY. In late September or early October my sister asked if I could come down to her residence an house sit for her as she had planned a trip and would be away for a couple of weeks. I agreed to do that and arrived down at the house on Wednesday October 15, 2003. I was there with Lucille at the house for about an hour and one half and then she left to go on her trip. I was there to take care of the pets which were left at the house when they went away. On the evening of Saturday October 18th, I went out to dinner with a few friends to the King Buffet in Newburgh NY. After dinner they came back to the house for a brief visit, only about ten or fifteen minutes and then they left. I went to bed around 10:00PM or 10:30PM and slept in the front bedroom to the south of Lucille's office in the house. At some point overnight I was awakened to see a flashlight in my eyes. I was surprised and asked "what's wrong?". One of the two guys who were now in my room said "hey guy" and then I was struck in the face by a fist, I don't know if it was a left or right hand. I was hit in the right cheek and then I was involved in a scuffle with one of the guys. The scuffle was with the larger of the two guys. He struck me several times and then I got him in a head-lock which he was able to get out of. I recall the smaller of the two guys swing a flashlight at me but I don't recall it hitting me. I remember seeing the light go buy buy I don't remember feeling as though I got hit. After that they both grabbed me and pushed me over and grabbed a hold of my arms. They were able to push me over onto my left side and they got my left wrist wrapped with tape and then they got the other wrist and tied that one off and bound my wrists together, in the front, with tape. The next thing they did was wrap my legs together with the tape. One of the guys, I think it was the smaller guy, began to put tape around my face and head. He put the tape around my face and it covered up both my mouth and nose. I reacted by rolling the tape in my mouth and then reached up and pulled it off of my mouth down by my neck area. I spoke up and told the guys that I was having trouble breathing and that they couldn't put the tape over my mouth and nose. I called out to Gus, the dog that was in the house, but didn't get any response. I then called out for help and again got no response. The guys at that point told me

NOTICE

(Penal Law Sec.210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 27th day of October, 19 2003

-- OR --

\*Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*Robert J. Rosenberg*  
(SIGNATURE OF DEPONENT)

(WITNESS)

Inv M.P. Vazquez

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED  
12 : 00  
pm

Encl-3A

## SUPPORTING DEPOSITION CONTINUATION SHEET

PEOPLE vs. \_\_\_\_\_

to be quiet, which I did. They then turned out their flashlights and looked out the windows to see if anyone was there, but there wasn't. After a short time the smaller, thinner guy leaves the room and walks out into the house. The larger guy stays in the room with me and sits on the bed to my right which would be to the north side of the bed. I told the guy who stayed with me that I couldn't breathe, he told me to be quiet. I asked him what they wanted and again he told me to be quiet. I told him that I needed to sit up to help me breathe and that he needed to cut the tape around my ankles. After a short while of this the guy with me called out "Yani", I think it may have been "Johnny", but the guy spoke with an accent and it sounded to me like "Yani". The other guy eventually shows back up at the room and they do unwrap me legs and allow me to sit up. I then sit up and concentrate on breathing. The thinner/smaller guy then goes back out of the room, into the hall, and I could see that he had a cell phone up against his ear. He put his other hand up to the area of his opposite ear and I could see that he had short cropped hair, which seemed dark. He would walk up and down the hall and was talking on the phone. I really couldn't hear much of the conversation but do recall hearing him say the word "safe" a couple time while on the phone. The guy that stayed with me asked me where the safe was and I told him that there was no safe in the house and to take whatever else that he wanted. After that the larger guy who was still with me in the room grabbed my arm, indicating he wanted me to stand, and lead me out of the room, down the hall and into Lucille's room. The guy took me over to the bed and sat me down on it. After I sat down I noticed a fire box opened on the floor and another slightly larger box on the floor next to the fire box. The bigger guy stays in the room with me and tells me to close my eyes and not look at them. I was dark in the room anyway, except for where they were shining their flashlights. The thinner guy started to work on the door knob of the bedroom door and seemed that he didn't have the right screwdriver and then he left the room leaving the larger guy behind with me. The larger guy started to look through the larger box which was on the floor next to the fire box. The thinner guy came back and must have gotten the right screwdriver and started to work on the door knob again. The guy took the inside door knob off the door and then went over to the dresser to the south of the bed and was looking through the drawers. After a short while they both gathered at the door and one of them told me not to call the police for a half hour and said they know who I am and where I live. They then walked out of the room and closed the door and left. I waited a minute or two and then went to my right and looked for Lucy's portable phone but the charger was there and not the phone. I then went into the bathroom and located the actual phone and tried to use it to call for help but I wasn't able to get a dial tone. After that I went to the door and used my finger to push open to door knob mechanism far enough to allow the door to open. I turned on the bathroom and hallway light and then the kitchen light and grabbed the phone that was on the kitchen table. I tried to use that phone but was again unable to get any dial tone. I then walked over to the wall at the south side of the house. There lives a tenant in an apartment which butts up against the south side of the house. I went up to the wall and called out to Thea, who lives there. I called out approx. three times and she did answer after a couple of times. I told her to call the police, that I had been robbed. Thea yelled back that the police were on the way. I went to the front door and opened the door enough so that the police could get in when they arrived. I walked into the bathroom and grabbed a pair of shorts that I had in there. Because of the way my hands were secured I was unable to put the shorts on. I walked back out into the livingroom area, grabbed a pillow to cover myself and sat on the couch to await the arrival of the police. After a short while the police arrived and they eventually cut me free from the tape. I got dressed and then some people from the ambulance corps arrived and made sure I was alright. After being interviewed for a while by different police officers I was eventually taken by the ambulance to the hospital where I was treated for injuries to my face and contusions to my heart and one lung. The thinner guy had a thin to medium build, was maybe 5' 6" tall to 5' 10" tall and had short well trimmed dark hair and his name may possible be "Yani" or "Johnny". He spoke on a cell phone which appeared to be grey and blue in color. The other guy was much larger, he had a large head and heavy face and had an accent, possibly spanish.

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\*Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*A. Robert J. Rowley*  
(SIGNATURE OF DEPONENT)

(WITNESS)

Inv M.P. Vazquez

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED 12 : 00 ☒ am ☐ pm